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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,139	12/01/2003	Christopher Patterson	2802-152-020	3799

7590 04/08/2004

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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,139

Applicant(s)

PATTERSON ET AL.

Examiner

James M Hewitt

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/1/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claims 1-16 are objected to because of the following informalities:

In claim 1 line 1, "the connector" should be inserted before "having" for clarity.

In claim 1 line 13, "said second annular groove" should be "said first annular groove" so as to be in accord with the specification. Note that first groove is referenced by numeral 54, and the decreasing outside diameter portion is referenced by numeral 49. In between first and second grooves (54 and 64) is flat, constant diameter portion 59. Refer to Figure 3.

In claim 2 line 3, "portion" should be inserted after "end" for proper antecedent basis.

In claim 2 line 3, the second comma should be deleted to allow for easier reading of the claim.

In claim 4 line 5, "portion" should be inserted after "end" for proper antecedent basis.

In claim 8 line 1, "the connector" should be inserted before "having" for clarity.

In claim 12 line 2, "dashed" should be deleted.

In claim 14 line 4, "said second end" should be replaced with "said second portion" for proper antecedent basis.

In claim 16 line 2, both instances of "curvelinear" should be replaced with "curvilinear".

In claim 16 line 4, "said side and bottom portions" should be replaced with "said side portions and said bottom portion".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 4-88286.

With respect to claim 8 and with particular reference to Figure 6, JP 4-88286 discloses a connector (7) for attachment to an elastic tubular conduit (9), the connector having a generally tubular metallic body comprised of: a first portion, a second portion integral with said first portion and having a smooth cylindrical outer surface adapted to be inserted into said conduit, a longitudinally directed passage extending longitudinally through said first and second portions for receiving fluid flow therethrough, at least one annular, outwardly directed groove (3) formed in said second portion; and an essentially constant diameter portion in said second portion adjoining at least one side of said at least one annular groove.

With respect to claim 11, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. See MPEP 2113.

With respect to claim 14, wherein said body has an annular retaining groove (6) that receives shell (2).

Claims 12-13 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 4-88286 in view of Morse et al (US 5,215,339).

It is not entirely clear whether the groove is rounded, however Morse et al teaches a similar connector having rounded grooves (22) for receiving O-ring seals therein. In view of Morse's teaching, it would have been an obvious matter of design choice to employ rounded grooves. It should be noted that with respect to claim 16, Morse' grooves at the bottom portions thereof have a curvilinear shape different that the curvilinear shape of the side portions of the groove, particularly where the side portions transition toward the outer surface of body (12).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 4-88286 in view of Pineda (FR 2 675 880).

With respect to claims 1-7, 9-10 and 15 and with particular reference to Figure 6, JP 4-88286 teaches a connector (7) for attachment to a tubular conduit (9), the connector having a generally tubular metal body comprising a first end portion, a second end portion having a smooth outer surface, a longitudinally directed internal passage, a first annular groove (3), a second annular groove (3), first and second constant diameter portions, O-ring seals (4) disposed in said grooves and engaging the inner surface of the conduit, a retaining groove (6) for receiving shell (2), a plurality of axially spaced detents that extend along the circumference of the shell. JP 4-88286 fails to teach that the nose portion of the connector is tapered from the first groove to an end thereof. Pineda teaches a similar connector having a decreasing outside diameter portion (17) extending slopingly from an endmost groove to the outer end of the connector defined by a rounded nose. In view of Pineda's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify JP 4-88286 with such a tapered end portion having a rounded nose in order to facilitate insertion of the connector within the conduit.

Note that the rounded nose constitutes the end portion of the connector.

With respect to claim 2, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. See MPEP 2113.

With respect to claim 7 and 15, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a 5000 series aluminum alloy as the material of the connector since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Conclusion

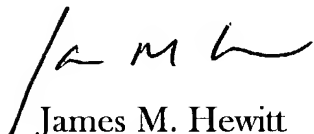
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J M H', is positioned above the printed name of James M. Hewitt.

James M. Hewitt
Patent Examiner
Technology Center 3600